

**MEMORANDUM** U.S. DEPARTMENT OF EDUCATION  
OSERS/REHABILITATION SERVICES ADMINISTRATION  
WASHINGTON, D.C. 20202-2531

**COMMISSIONER'S MEMORANDUM**

**CM-98- 12**

**Date: May 29, 1998**

**TO :** RSA Regional Commissioners

**FROM :** Fredric K. Schroeder  
Commissioner

**SUBJECT :** State Plans for Comprehensive Systems of Personnel Development

Section 101(a)(7) of the Rehabilitation Act Amendments of 1992, commonly referred to as the Comprehensive System of Personnel Development (CSPD), requires State Vocational Rehabilitation (VR) agencies to establish qualified personnel standards for rehabilitation personnel, including VR counselors, that are consistent with any national or State-approved or recognized certification, licensing, or registration that apply to a particular profession. To the extent that a State's existing personnel standards are not based on the highest requirements of the State, the State agency is also required to develop a plan to retrain or hire personnel to meet personnel standards that are based on the highest requirements in the State.

The purpose of the CSPD provisions is to ensure the quality of personnel who provide VR services and assist individuals with disabilities to achieve employment outcomes through the VR program. It is believed that rehabilitation counselors who meet the statutory standard (i.e., highest requirements in the State) typically provide high-quality services and assist individuals with disabilities to achieve high-quality employment outcomes. In addition, supporting research indicates that counselors with masters degrees in rehabilitation counseling often produced higher-quality employment outcomes than those lacking such degrees (e.g., Szymanski, E.M., & Parker, R.M, 1989, Szymanski, E.M. 1991, Szymanski, E.M., & Danek, M.M., 1992 Cook, D., & Bolton, B., 1992).

RSA supports State VR agency CSPD efforts that are consistent with the spirit and intent of the Act. State VR agency directors, educators and others have raised several questions regarding the qualified personnel requirements and their implementation. The guidance below addresses both RSA's general approach toward implementing the CSPD requirements, as well as certain specific issues raised by State agencies and educators.

**Context of the CSPD:**

The CSPD requirements provide an opportunity to increase the knowledge, skills and abilities of rehabilitation counselors, thereby enhancing the provision of services and the quality of employment outcomes. State VR agencies are responsible for ensuring that personnel are qualified within the meaning of the Act (101(a)(7)(B)), and its implementing regulations (34 CFR §361.18(c)), to address the unique needs of individuals with disabilities. Still, States that have yet to establish personnel standards based on applicable certifications, licenses, or registrations may consider it unduly burdensome to develop and implement such standards. RSA will continue to work with these States in meeting CSPD requirements and in ensuring that the States move forward in developing standards that comply with the Act and

regulations. The guidelines in this Commissioner's Memorandum specifically address the standards that apply to rehabilitation counselors—the backbone of the vocational rehabilitation system.

**State Standards Requirements:**

The most basic issue regards standards: what standard must a State maintain for rehabilitation counselors? Personnel standards for a particular profession must be based on the "highest requirements in the State," which is defined in the regulations as the highest entry-level academic degree needed for any national or State-approved or -recognized certification, licensing, or registration. When such national or state requirements do not exist, personnel standards must be based upon comparable requirements that apply to that profession. Thus, for rehabilitation counselors, if State approved or recognized certification, licensing or registration requirements do exist within the State (such as licensing standards for rehabilitation counselors in other State agencies), then the State VR agency must base its personnel standards for counselors on one of the following:

- the highest entry-level degree needed under the existing State requirements;
- a degree that exceeds the degree needed under the existing State requirements; or
- the degree required for the national, CRC requirement — a masters degree in rehabilitation counseling or a closely related field

If there are no State-approved or -recognized certification, licensing or registration requirements for rehabilitation counselors, the State VR agency must base its personnel standards for counselors on:

- the degree needed to meet the national, CRC requirements — a masters degree in rehabilitation counseling or a closely related field; or
- new State certification, licensing or registration requirements for rehabilitation counselors developed by the appropriate certification, licensing, or registration body of the State.

**Current staff:**

Current counselor staff who do not meet the highest requirements in the State must be retrained consistent with the DSU's plan for ensuring that its personnel meet the statutory standard (referred to as the CSPD plan which is an attachment to the State plan for the VR program). Such counselors may continue to perform all counselor functions provided the counselor is covered under an approved plan. Some agencies have raised questions regarding staff who are soon to retire. Generally, RSA expects all staff who do not meet the State's highest requirements to be working toward that standard under the DSU's plan; however, RSA will consider the reasonableness of a State's plan and the effect it will have on DSU staff as a whole, rather than focusing solely on the application of the plan to a particular staff member. For example, a DSU might identify the retraining of staff close to retirement as a lower priority than the retraining of other staff members or the hiring of new qualified staff.

**New staff:**

As Stated previously, to the extent that the DSU's staff do not meet the highest requirements in the State, the Act requires DSUs to retrain or hire personnel who do meet that standard. Accordingly, RSA expects newly hired staff to meet the State agency standard. RSA also recognizes, however, that some DSUs face particular barriers to hiring personnel who meet that standard (e.g., some States may have a limited pool of qualified candidates, others may need time to revise pay scales in order to attract qualified candidates to the VR program). Again, the State's plan for hiring must be reasonable in light of the particular circumstances of the State. At a minimum, the plan should establish steps the State shall take to be able to hire qualified staff (e.g., conduct outreach to potential candidates, alter pay scales), and identify actions necessary to ensure that all staff—current staff, recent and new hires—meet the highest requirements in the State.

**Determining Acceptability of a Plan:**

The primary factor RSA will consider in determining acceptability of a State's plan for retraining and/or hiring staff is reasonableness — is the plan reasonable in relation to the CSPD and qualified personnel requirements in the 101(a)(7)(B) of the Act and §361.18(c) of the regulations and in relation to the particular circumstances of the State? RSA will also consider other factors such as:

- Has the State established personnel standards for counselors that are based on the highest entry-level degree requirements in the State or is the State making progress in doing so?
- Has the State analyzed the extent to which its counselors do not meet the highest requirements in the State?
- Has the State identified and analyzed factors (such as shortages of qualified personnel, low pay scales, etc.) that may inhibit its ability to hire qualified staff? Does the plan identify short-term and long-term strategies for addressing these factors?
- Has the State identified planned objectives and activities that reflect a timely approach to getting all of its counselors to the level of the standard? Do these objectives and activities move the State effectively toward compliance with the CSPD requirements? Will they result in counselors meet the necessary standard in a timely fashion?
- Has the State committed funds to support the CSPD plan?
- Has the State developed an evaluation mechanism for determining whether the CSPD plan's objectives are being met?
- Is the CSPD plan non-discriminatory so as to encourage retraining and hiring of staff from minority backgrounds and staff with disabilities?

**Monitoring:**

RSA will closely monitor the implementation and the outcomes of State CSPD plans using a variety of mechanisms, including on-site reviews. The CSPD is one of five focus areas that RSA will review for each State VR agency in FY 1998. In addition to these reviews, eleven periodic on-site reviews are being conducted in order for RSA to identify additional issues facing States in their CSPD implementation efforts. RSA expects State VR agencies to review and, to the extent necessary, revise their CSPD plans based upon the above guidance.

**Resources:**

RSA expects States to coordinate available resources, including inservice training funds, long-term training and distance learning projects in their region, and other resources in carrying out their CSPD plans. RSA expects to publish both FY 1999 and 2000 funding priorities in order to assist States in meeting applicable standards.

**Guidance to States:**

State plan attachment 4.11(b) describes the State's procedures and activities related to the establishment and maintenance of the CSPD. Regional Offices should contact their state agencies and instruct them to review their current CSPD attachment, and if necessary, update it consistent with the information in this Commissioner's Memorandum. Each attachment will be reviewed by RSA Regional Office State representatives to determine its "reasonableness" and consistency with the guidance included in this Commissioner's Memorandum. Based upon that review, Regional Office staff will provide technical assistance to State agencies, consistent with the guidance in this memorandum, in order to assist the agencies in satisfying the CSPD requirements. RSA has established an internal work group on the CSPD in order to provide guidance to RSA staff concerning CSPD issues.